

BEFORE THE BOARD OF BARBERS AND COSMETOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the proposed amendment of ) NOTICE OF PUBLIC HEARING  
ARM 24.121.301 definitions, 24.121.401 fees, ) ON PROPOSED AMENDMENT,  
24.121.405 variances, 24.121.601 applications ) ADOPTION, AND REPEAL  
for licensure, 24.121.603 out-of-state applicants, )  
24.121.803 school requirements, 24.121.805 )  
school operating standards, 24.121.809 )  
student withdrawal, transfer, or graduating, )  
24.121.1105 teacher-training curriculum, )  
24.121.2101 continuing education-instructors/ )  
inactive instructors, 24.121.2301 unprofessional )  
conduct, the proposed adoption of NEW RULE I )  
fee abatement and NEW RULE II continuing )  
education-licensees/inactive licensees, and the )  
proposed repeal of ARM 24.121.811 field trips )

TO: All Concerned Persons

1. On March 31, 2006, at 10:00 a.m., a public hearing will be held in room 489 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana to consider the proposed amendment, adoption and repeal of the above-stated rules.

2. The Department of Labor and Industry (Department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or who need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Barbers and Cosmetologists (Board) no later than 5:00 p.m., March 24, 2006, to advise us of the nature of the accommodation you need. Please contact Andy Verbanac, Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2335; Montana Relay 1-800-253-4091; TDD (406) 444-2978; Facsimile (406) 841-2309; e-mail [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov).

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.121.301 DEFINITIONS The following definitions shall apply as used in this chapter:

(1) through (9) remain the same.

(10) "Distance education" means education such as computer based training, internet, video tape, or other mode of distance delivery where the instructor and student are separated by distance and in some cases time.

(10) through (12) remain the same, but are renumbered (11) through (13).

(14) "Inactive" means the status of any licensee or instructor who fails to meet the continuing education requirement.

(13) through (20) remain the same, but are renumbered (15) through (22).

AUTH: 37-1-131, 37-1-319, 37-31-203, MCA

IMP: ~~37-31-103~~, 37-1-306, 37-31-203, 37-31-204, 37-31-303, 37-31-305, 37-31-309, 37-31-311, MCA

REASON: The Board determined it is reasonably necessary to amend this rule to define new terms being introduced within this Notice. The Board is proposing New Rule II to require all practitioners licensed with the Board to obtain annual continuing education. Distance education is becoming more prevalent in today's education world and the Board is defining the term to address distance education offerings in continuing education. Inactive status is not a new concept to the Board, but a definition has never before been delineated in rule. The addition of the definition will clarify to licensees the Board's intent regarding compliance with continuing education requirements. Authority and implementation cites are being amended to accurately reflect all statutes implemented through the rule and to provide the complete sources of the Board's rulemaking authority.

24.121.401 FEES (1) through (12) remain the same.

~~(13) Student enrollment/re-enrollment~~ 25

(14) remains the same, but is renumbered (13).

(14) Variance request 20

(15) through (20) remain the same.

AUTH: 37-1-131, 37-1-134, 37-31-203, MCA

IMP: 37-1-134, 37-31-302, 37-31-304, 37-31-305, 37-31-311, 37-31-312, ~~37-31-321~~, ~~37-31-322~~, 37-31-323, MCA

REASON: It is reasonable and necessary to amend this rule and eliminate the fee currently collected for the registration of students and the reporting of student enrollment hours. The Board is amending several rules at this time to no longer require school submission of student records to the Board or the Board's maintenance of such records. The Board is deleting the fee for student enrollment and re-enrollment to comply with these amendments. The Board reviews and acts upon numerous requests for variances from licensees each year and is adding a fee for the processing of such requests to comply with 37-1-134, MCA, that requires the Board to set fees commensurate with associated Board costs.

Elimination of the student re/enrollment fee will affect approximately 367 licensees for an estimated Board revenue decrease of \$9,175.00. Addition of a variance request fee will affect approximately 50 licensees and generate approximately \$1,000.00 in revenue. The aggregate fiscal impact is estimated as a \$8,175.00 decrease in fees paid and revenue received annually. Implementation cites are being amended to delete references to repealed statutes.

24.121.405 VARIANCES (1) Upon application, the board may only grant a variance from requirements of the safety and sanitation rules upon the board's determination that:

- (a) special conditions exist which preclude strict compliance with the rules ~~would be overly burdensome or impractical due to special conditions or cause; and~~  
(b) ~~the public or private interest in the granting of a variance clearly outweighs the application of uniform rules; and~~  
(c) (b) alternative measures will provide adequate public health and safety protection.

AUTH: 37-1-131, 37-31-203, 37-31-204, MCA  
IMP: 37-31-204, MCA

REASON: The Board determined it is reasonably necessary to clarify the circumstances under which a variance may be approved. The Board considers a variety of these requests and seeks to clarify the Board's intent as to the purpose of variances and the standard used in considering whether to grant a variance.

24.121.601 APPLICATIONS FOR LICENSURE (1) through (2)(a) remain the same.

(b) a barbering, cosmetology, electrology, esthetics, or manicuring school diploma from a board licensed school;

(c) through (3) remain the same.

(4) The board shall accept hours of instruction from jurisdictionally licensed schools located outside Montana towards fulfillment of the hour requirements for the various categories of licenses.

(5) remains the same.

AUTH: 37-1-131, 37-31-203, MCA  
IMP: 37-31-303, 37-31-304, 37-31-308, ~~37-31-321~~, MCA

REASON: The Board determined it is reasonably necessary to amend this rule to clarify that the education required for licensure must be obtained from schools licensed in either Montana or other jurisdictions. This amendment will provide clarification in an area that was potentially confusing for applicants. Implementation cites are being amended to delete reference to a repealed statute.

24.121.603 OUT-OF-STATE APPLICANTS (1) remains the same.

(a) "Board approved" means the examination is written and administered by ~~the national interstate council of state boards of cosmetology or any other~~ nationally recognized examination service.

(2) and (2)(a) remain the same.

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for barbers means 1,500 hours of formal training and successful completion of a board approved examination by a passing score set forth in rule. Applicants who have not completed 1,500 hours of formal training shall be required to pass ~~the~~ a board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of a barbering applicant's qualifications or credit for hours.

(ii) through (3)(a) remain the same.

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for cosmetologists means 2,000 hours of formal training and successful completion of a board approved examination by a passing score set forth in rule. Applicants who have not completed 2,000 hours of formal training shall be required to pass ~~the~~ a board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of a cosmetologist applicant's qualifications or credit for hours.

(ii) through (4)(a) remain the same.

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for electrologists means 600 hours of formal training and successful completion of a board approved examination with a passing score set forth in rule. Applicants who have not completed 600 hours of formal training shall be required to pass ~~the~~ a board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of an electrologist applicant's qualifications or credit for hours.

(ii) through (5)(a) remain the same.

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for estheticians means 650 hours of formal training and successful completion of a board approved examination with a passing score set forth in rule. Applicants who have not completed 650 hours of formal training shall be required to pass ~~the~~ a board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of an esthetician applicant's qualifications or credit for hours.

(ii) through (6)(a) remain the same.

(i) For the purposes of 37-1-304, MCA, "substantially equivalent" for manicurists means 350 hours of formal training and successful completion of a board approved examination with a passing score set forth in rule. Applicants who do not possess 350 hours of formal training shall successfully pass ~~the~~ a board approved examination as specified in rule. Work experience obtained in the profession will not be considered as part of a manicurist applicant's qualifications or credit for hours.

(ii) through (9) remain the same.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-1-304, 37-31-303, 37-31-304, 37-31-305, 37-31-308, MCA

REASON: The Board determined it is reasonably necessary to amend this rule to clarify that the Board may accept national licensure examinations in addition to those administered by the National Interstate Council of State Boards of Cosmetology for out-of-state applicants seeking Montana licensure. Therefore, language is being amended throughout the rule to address the Board's acceptance of other nationally recognized exams.

24.121.803 SCHOOL REQUIREMENTS (1) through (5) remain the same.

(6) Schools must provide students with sufficient supplies, equipment, and tools to meet educational training needs throughout their curriculum.

~~(6)~~ (7) Barbering schools or cosmetology schools offering a separate barbering course shall provide the following equipment:

(a) through (h) remain the same.

(i) one protective covering per student; and

(j) one current board law and rule book per student; and .

~~(k) one barbering kit per student, issued and personally given to each individual student upon enrollment, for use by the student and consisting of the following:~~

~~(i) a barbering textbook;~~

~~(ii) a barbering workbook;~~

~~(iii) two dozen assorted clips;~~

~~(iv) one blow dryer;~~

~~(v) one marcel curling iron;~~

~~(vi) six brushes;~~

~~(vii) one dozen styling combs;~~

~~(viii) six tail combs;~~

~~(ix) one dozen taper combs;~~

~~(x) six flat top combs;~~

~~(xi) two capes;~~

~~(xii) one water bottle;~~

~~(xiii) two pair of shears (one at least 7.5 inches);~~

~~(xiv) one straight razor and blades;~~

~~(xv) one styling razor with guard;~~

~~(xvi) one pair thinning shears;~~

~~(xvii) one electric clipper;~~

~~(xviii) one T-edger;~~

~~(xix) one tint bottle;~~

~~(xx) one color bowl and brush;~~

~~(xxi) one mannequin and holder;~~

~~(xxii) one box of rubber gloves;~~

~~(xxiii) one color drape for student; and~~

~~(xxiv) 30 dozen permanent rods of assorted sizes.~~

~~(7)~~ (8) Cosmetology schools shall provide the following equipment:

(a) through (i) remain the same.

(j) one protective covering per student; and

(k) one current board law and rule book per student; and .

~~(l) one cosmetology kit per student, issued and personally given to each individual student upon enrollment, for use by the student and consisting of the following:~~

~~(i) a cosmetology textbook;~~

~~(ii) a cosmetology workbook;~~

~~(iii) a roller rack and rollers;~~

~~(iv) assorted single and double prong clips;~~

~~(v) one blow dryer;~~

~~(vi) one marcel curling iron;~~

~~(vii) one dozen brushes;~~

~~(viii) one dozen wave combs;~~

- ~~(ix) one dozen tail combs;~~
- ~~(x) two capes;~~
- ~~(xi) one water bottle;~~
- ~~(xii) one pair of shears;~~
- ~~(xiii) one razor;~~
- ~~(xiv) one cuticle pusher;~~
- ~~(xv) one cuticle nipper;~~
- ~~(xvi) two orange wood sticks;~~
- ~~(xvii) one tweezer;~~
- ~~(xviii) one file or assorted emery boards;~~
- ~~(xix) one manicure bowl and brush;~~
- ~~(xx) one acrylic nail brush;~~
- ~~(xxi) one tint bottle;~~
- ~~(xxii) one color bowl and brush;~~
- ~~(xxiii) 10 assorted duck bills;~~
- ~~(xxiv) one mannequin and holder;~~
- ~~(xxv) one pair of rubber gloves;~~
- ~~(xxvi) one color drape per student; and~~
- ~~(xxvii) 30 dozen permanent rods of assorted sizes.~~

~~(8)~~ (9) Electrology schools shall provide the following equipment:

(a) remains the same.

(b) a minimum of two stations for the first three students enrolled, with one station added for each additional two students. ~~Each station shall include: ;~~

- ~~(i) one epilator;~~
- ~~(ii) one table or chair for patron;~~
- ~~(iii) one stool, adjustable in height;~~
- ~~(iv) one illuminated magnifying lamp;~~
- ~~(v) one stand for placing instruments and sterilizers;~~
- ~~(vi) liquid sanitizer and an autoclave;~~
- ~~(vii) one dry container for sterile instruments;~~
- ~~(viii) one covered soiled linen container;~~
- ~~(ix) 15 pair of tweezers; and~~
- ~~(x) one covered garbage container;~~

(c) and (d) remain the same.

(9) through (11)(j)(ii) remain the same, but are renumbered (10) through (12)(j)(ii).

~~(iii) one covered garbage container; and~~ \_

~~(k) one basic esthetics kit per student, issued and personally given to each individual student upon enrollment, for use by the student and consisting of the following:~~

- ~~(i) esthetics textbook covering basic esthetics including manual, chemical and mechanical exfoliation;~~
- ~~(ii) esthetics text workbook;~~
- ~~(iii) protective covering;~~
- ~~(iv) spatulas;~~
- ~~(v) hair cover;~~
- ~~(vi) one client cape;~~

- ~~(vii) rubber gloves;~~
- ~~(viii) spray bottle;~~
- ~~(ix) disposal facial sponges;~~
- ~~(x) tweezers;~~
- ~~(xi) extractor;~~
- ~~(xii) fan brush;~~
- ~~(xiii) cosmetic brushes;~~
- ~~(xiv) basic skin care and makeup kit; and~~
- ~~(xv) sanitizing container.~~

~~(12)~~ (13) Manicuring schools or cosmetology schools offering a separate manicure course shall provide the following equipment:

- ~~(a) through (h) remain the same.~~
- ~~(i) two covered waste containers; and~~
- ~~(j) electric nail file and appropriate bits; and~~
- ~~(k) one manicuring kit per student, issued and personally given to each~~

~~individual student upon enrollment, for use by the student and consisting of the following:~~

- ~~(i) a manicuring textbook;~~
- ~~(ii) a manicuring workbook;~~
- ~~(iii) one protective covering;~~
- ~~(iv) one lap cover;~~
- ~~(v) rubber gloves;~~
- ~~(vi) a cuticle pusher;~~
- ~~(vii) emery boards;~~
- ~~(viii) a manicure brush;~~
- ~~(ix) a manicure bowl;~~
- ~~(x) acrylic nail brushes;~~
- ~~(xi) toenail and nail clippers;~~
- ~~(xii) acrylic nail clippers;~~
- ~~(xiii) toe separators;~~
- ~~(xiv) orange wood sticks;~~
- ~~(xv) cuticle nipper;~~
- ~~(xvi) a pedi-paddle;~~
- ~~(xvii) one two-ounce dispenser bottle and one four-ounce dispenser bottle;~~
- ~~(xviii) sanitizing container; and~~
- ~~(xix) dappen dishes.~~

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA  
IMP: 37-31-311, MCA

REASON: It is reasonable and necessary to amend this rule to eliminate the requirement of specific equipment, tools and supplies that schools must provide to students as a kit. The Board determined it is more beneficial to students to require schools to maintain and provide all equipment, supplies and tools necessary to learn the techniques and processes of the appropriate profession. Further, the Board concluded it is not necessary to require students to purchase items that may not be used or used very little with current products and styles. This amendment places the

burden of maintaining adequate and appropriate supplies on the schools rather than the students.

24.121.805 SCHOOL OPERATING STANDARDS (1) through (3) remain the same.

~~(4) Schools shall submit student registrations to the board office within five working days of the first day of instruction.~~

~~(5) through (8)(a) remain the same, but are renumbered (4) through (7)(a).~~

~~(9) Schools shall record student daily attendance records onto monthly hour sheets, either as provided by the board or using the school's own form, provided it contains the same information as the board's form.~~

~~(a) The monthly hour sheets must:~~

~~(i) be received in the board office on or before the 15th of each month;~~

~~(ii) accurately reflect attendance by all students; and~~

~~(iii) be available upon request of the inspector or designee.~~

~~(b) Clock hours must be verified by a time-keeping system sufficient to protect against tampering and capable of rounding attendance to the nearest quarter hour. Monthly hour calculations shall be submitted to the board office in hours and minutes (000:00).~~

~~(10) through (17) remain the same, but are renumbered (8) through (15).~~

~~(18) Schools shall send each student's final hour records to the board within five days of the student's completion of the applicable required hours of training and graduation.~~

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-311, MCA

REASON: It is reasonable and necessary to amend this rule to eliminate the requirement for the Board office to receive and maintain records of student registration, daily attendance and final student hours. The Board concluded that these records are more appropriately maintained by the school where registration, attendance and student progress are continually monitored. This amendment coincides with the elimination of the student registration fee proposed in the fee schedule. The Board is also amending the rule to no longer specify the rounding requirements of the schools' time clocks as it is sufficient to simply require that the time-keeping systems are protected against tampering.

24.121.809 STUDENT WITHDRAWAL, TRANSFER, OR GRADUATING

~~(1) Students withdrawing, transferring, or graduating from a school shall be provided a current and accurate official transcript reflecting hours and grades and obtain a statement of good standing from the school in order to receive credit for their education for their hours to transfer. Schools shall provide a copy of the statement to the board within five days of the withdrawal.~~

~~(2) Upon the withdrawal of a student, schools shall submit to the board office a statement of total hours and grades within the required curriculum areas and the student's standing on a form prescribed by the board. The verification must set forth the hours of training in which the student was enrolled as provided in rule.~~



~~(3)~~ (2) Upon transfer between licensed schools and receipt of a statement of good standing and hour verification from the previous school(s), the When transferring between licensed schools, the transferring student shall provide the new school with a statement of good standing and official transcript from the previous school. The new school shall grant full credit for all hours and grades completed by the transferring student within five years of the student's original enrollment date.

~~(4)~~ (3) Schools shall not allow a student who re-enrolls to practice on members of the public until the school receives a ~~verified~~ an official transcript of the student's hours and grades within the required curriculum areas.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-311, MCA

REASON: The Board determined that it is reasonably necessary to amend this rule to eliminate the requirement for the Board office to receive and maintain records of students who withdraw, transfer or graduate. The Board concluded that these records are more appropriately maintained by the schools when the students are in attendance, and then by the individual students. This amendment coincides with the elimination of other requirements for Board record keeping proposed in this Notice. It is reasonable and necessary to amend this rule to require schools to provide an official transcript to students as verification of attendance or completion of coursework. This amendment will allow the student to obtain and maintain those records rather than relying on others to do so.

24.121.1105 TEACHER-TRAINING CURRICULUM (1) through (3) remain the same.

~~(4) When a student or cadet instructor has completed the required hours of teacher training, the school shall send the student's final hour records to the board within five days.~~

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-305, 37-31-311, MCA

REASON: It is reasonably necessary to eliminate the requirement for the Board to receive and maintain records of teacher-training hours. The Board concluded that these records are more appropriately maintained by the schools that monitor student and cadet instructor course completion and progress. This amendment coincides with the elimination of other Board record keeping requirements proposed in this Notice.

24.121.2101 CONTINUING EDUCATION - INSTRUCTORS/INACTIVE INSTRUCTORS (1) Active instructors shall complete 30 hours of continuing education (CE) per renewal period to maintain active status licensure.

(2) The board shall may approve, on a case-by-case basis, each continuing education course CE courses offered by providers not currently recognized by the board or not offered through attendance at an accredited academic college or university before credits are granted to any licensee for such course.

(3) Courses taught via distance education must first be certified through an agency or organization approved by the board that certifies each course's instructional design and delivery before credits are granted to any licensee for such course.

(3) remains the same, but is renumbered (4).

~~(4) (5) Requests for approval of continuing education CE courses for providers or subject matter not currently recognized by the board must be submitted on a the appropriate form, prescribed by the board and including the following information:~~

~~(a) course dates;~~

~~(b) course location;~~

~~(c) course instructor and credentials of the instructor;~~

~~(d) a detailed course syllabus/outline;~~

~~(e) number of credits requested; and~~

~~(f) method of verifying attendance.~~

(5) remains the same, but is renumbered (6).

~~(6) At renewal, licensees shall submit either certified statements, certificates or affidavits showing dates and hours as proof of continuing education attendance.~~

(7) Continuing education CE courses must be completed prior to applying for renewal of an active instructor license. Failure to meet the CE requirement will automatically result in the license being placed on inactive status.

(8) remains the same.

(9) Schools shall maintain records of CE credits for their instructors for a minimum of three years. Individual instructors not affiliated with a school shall maintain records of their CE credits for a minimum of three years.

(10) The board shall audit for compliance with CE requirements.

AUTH: 37-1-131, 37-1-319, 37-31-203, MCA

IMP: 37-1-306, MCA

REASON: It is reasonably necessary to amend this rule to simplify and more clearly delineate the Board's approval process for instructor continuing education (CE) not already recognized by the Board, the required record keeping associated with CE, and the Board's CE audit process. The Board concluded there existed confusion among licensees concerning the CE requirements and approval of courses. The Board is also amending the rule to address CE courses obtained via distance education that meet specific design and delivery requirements. This amendment will ensure quality coursework through distance education providers. Further, the rule is being amended to clearly outline the consequences of failing to meet the CE requirements.

24.121.2301 UNPROFESSIONAL CONDUCT (1) through (1)(s) remain the same.

(t) advertising or otherwise implying that the licensee is providing treatment, healing, correcting, or diagnosing any medical condition; ~~or~~

(u) aiding or abetting unlicensed practice by intentionally or unintentionally encouraging, assisting, or failing to prevent the commission of unlicensed practice; or

(v) failing to provide verification of completed continuing education when requested by the board.

(2) remains the same.

AUTH: 37-1-131, 37-1-136, 37-1-319, 37-31-203, MCA  
IMP: 37-1-136, 37-1-137, 37-31-301, 37-31-331, MCA

REASON: The Board determined that it is reasonably necessary to include failure to comply with a continuing education audit as an act of unprofessional conduct. The Board has clarified CE requirements for all licensees of the Board within this Notice as well as the Board's CE audit process. This amendment places the licensee on notice of the expectations of the Board and the consequences for failing to comply with the audit requirements.

4. The rules proposed to be adopted provide as follows:

NEW RULE I FEE ABATEMENT (1) The Board of Barbers and Cosmetologists adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301.

AUTH: 37-1-131, MCA  
IMP: 17-2-302, 17-2-303, 37-1-134, MCA

REASON: The Board has determined there is reasonable necessity to adopt and incorporate by reference ARM 24.101.301 to allow the Board to authorize the Department to perform renewal licensure fee abatements as appropriate and when needed, without further vote or action by the Board. The Department recently adopted ARM 24.101.301 to implement a means for the prompt elimination of excess cash accumulation in the licensing programs operated by the Department.

Adoption and incorporation of ARM 24.101.301 will allow the Department to promptly eliminate excess cash balances of the Board that result from unexpectedly high licensing levels or other non-typical events. Abatement in such instances will allow the licensees who have paid fees into the Board's program to receive the temporary relief provided by abatement. Adoption of this abatement rule does not relieve the Board from its duty to use proper rulemaking procedures to adjust the Board's fee structure in the event of recurrent instances of cash balances in excess of the statutory allowed amount.

NEW RULE II CONTINUING EDUCATION LICENSEES/INACTIVE LICENSEES (1) Active licensees shall complete 10 hours of CE per renewal period to maintain active status licensure.

(2) The board may approve, on a case-by-case basis, CE courses offered by providers not currently recognized by the board or not offered through attendance at an accredited academic college or university.

(3) Courses taught via distance education must first be certified through an agency or organization that certifies each course's instructional design and delivery and is approved by the board before credits are granted to any licensee for such course.

(4) CE courses must be germane to the practice of barbering, cosmetology, electrology, esthetics, or manicuring.

(5) Requests for approval of CE courses for providers or subject matter not currently recognized by the board must be submitted on the appropriate form.

(6) CE courses must be completed prior to applying for renewal of an active license. Failure to meet the CE requirement will automatically result in the license being placed on inactive status.

(7) To activate an inactive license, licensees shall submit evidence of completion of five hours of approved CE obtained within the 12-month period prior to activating the license. Licensees shall also be required to complete an additional 10 hours of CE before the renewal date.

(8) Licensees shall maintain records of their CE credit for a minimum of three years.

(9) The board shall audit for compliance with CE requirements.

AUTH: 37-1-131, 37-1-319, 37-31-203, MCA

IMP: 37-1-306, MCA

REASON: To further protect the public, the Board determined it is reasonably necessary to adopt New Rule II to require that all active licensed practitioners complete a minimum of 10 hours of CE every two years. This amendment places CE requirements and course approval burden on practitioners as were previously established for instructors, including the specifications for activating an inactive license. The New Rule also identifies who must maintain CE completion records and that the Board will audit for CE compliance.

5. The rule proposed to be repealed provides as follows:

24.121.811 FIELD TRIPS found at ARM page 24-9141.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-31-311, MCA

REASON: The Board finds it reasonably necessary to repeal this rule addressing field trips. The Board determined field trips are an integral part of course instruction and do not require a separate rule to outline their requirements.

6. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted by mail to Ms. Anita Verbanac, Board of Barbers and Cosmetologists, Department of Labor and Industry, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov) and must be received no later than 5:00 p.m., April 10, 2006.

7. An electronic copy of this Notice of Public Hearing is available through the Department and Board's website on the World Wide Web at <http://www.cosmetology.mt.gov>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

8. The Board of Barbers and Cosmetologists maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Barbers and Cosmetologists administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov) or may be made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

10. Jack Atkins, attorney, has been designated to preside over and conduct this hearing.

BOARD OF BARBERS AND  
COSMETOLOGISTS  
WENDELL PETERSEN, PRESIDING  
OFFICER

/s/ DARCEE L. MOE  
Darcee L. Moe  
Alternate Rule Reviewer

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 27, 2006